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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,277	01/14/2002	Karl-Heinz Baumann	225/50754	4705

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EXAMINER

ROSENBERG, LAURA B

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/043,277

Applicant(s)

BAUMANN ET AL.

Examiner

Laura B Rosenberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-61 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 26,28-30,33,38-50 and 57-61 is/are rejected.
7) ☒ Claim(s) 27,31,32,34-37 and 51-56 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the amendment received on November 19, 2003, in which claims 1-25 were canceled and claims 26-61 were added.

Claim Objections

2. Claims 27, 28, 30, 31, 32, 36, 46, 50, 51, 52, and 55 are objected to because of the following informalities: the wall that includes an opening and a fitting should be referred to throughout the claims with the same phrase. The examiner recommends using "the wall including the opening" or "the wall including the opening and the fitting". The examiner recommends avoiding the term "the wall" without some other descriptive feature that differentiates this particular wall from the other walls in the applicant's claimed invention. Appropriate correction is required.
3. Claim 57 is objected to because of the following informalities: "the frame" should be changed to --a frame-- (line 3). Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 41, 44-47, and 60 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 41 and 60 recite the limitations "the wall" and "the fitting" (lines 2, 3); claims 44, 45, and 47 recite the limitation "the

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vehicle device" (line 2). There is insufficient antecedent basis for these limitations in the claims.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 38 and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by Seyler (4,700,981). In regards to claims 38 and 57, Seyler discloses a vehicle frame (#10) comprising lightweight panels (#11, 111, 211, 211', 311, 311'; other panels of the frame are not labeled) having an opening (#12, 112, 212, 212', 312, 312') and a "vehicle device" (#14, 114, 214, 314) insertable into the opening so as to cover the opening completely (best seen in figures 7, 8, 17, 24), the vehicle device including a support arrangement (ring and flange on each embodiment; #16, 19 as an example) that is engageable with an edge of the opening to limit the insertion of the vehicle device in the opening (best seen in figures 7, 16, 23, 26).

8. Claims 38 and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by Leslie (3,606,446). In regards to claims 38 and 57, Leslie discloses a vehicle frame comprising lightweight panels (#14, 16, 18) having an opening (#30) and a vehicle device (#40, 60) insertable into the opening so as to cover the opening completely (best

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seen in figures 1, 2), the vehicle device including a support arrangement (including #42, 50, 54, 66) that is engageable with an edge of the opening to limit the insertion of the vehicle device in the opening (best seen in figures 2, 4).

9. Claims 38, 40, 57, and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by Decker (4,371,743). In regards to claims 38, 40, 57, and 59, Decker discloses a vehicle frame comprising lightweight panels (#24, 26; additional panels not shown) having an opening (#28) and a vehicle device (#30) insertable into the opening so as to cover the opening completely (best seen in figure 2), the vehicle device including a support arrangement (#32, 38) that is engageable with an edge of the opening in the lightweight panel to limit insertion of the vehicle device in the opening (best seen in figure 2). The vehicle device is a housing for electrical components (fuse box).

10. Claims 38, 39, 42, 57, 58, and 61 are rejected under 35 U.S.C. 102(b) as being anticipated by Simonetti (5,813,288). In regards to claims 38, 39, 42, 57, 58, and 61, Simonetti discloses a vehicle frame comprising lightweight panels (#24; others not shown) having an opening (#22) and a vehicle device (#30) insertable into the opening so as to cover the opening completely (best seen in figures 1, 2), the vehicle device including a support arrangement (#30, 46) that is engageable with an edge of the opening in the lightweight panel to limit insertion of the vehicle device in the opening

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(best seen in figures 2, 11). The vehicle device is steering console and an insertion module for a windshield wiper assembly (column 2, lines 18-27).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 26, 28-30, 33, 43, 48, 49, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al. (5,934,745) in view of Tetens (2,186,277). In regards to claims 26, 28-30, 33, 43, 48, 49, and 50, Moore et al. disclose a vehicle frame comprising a support box (#10) including a base area (#102, 102'), a front wall (#82, 82'), an upper wall (#84, 84') limiting a front leg room above, and side walls (not labeled, but adjacent to base, front, and upper walls; best seen in figure 2) limiting the front leg room at sides. Moore et al. do not disclose one of the walls including an opening or a fitting insertable into the opening. Tetens teaches a vehicle frame comprising a support box including a base area (#4) and a front wall (#6), wherein the front wall includes an opening (not labeled; column 2, lines 17-22) and a fitting (#30) insertable into the opening so as to cover the opening completely (best seen in figure 1). The fitting includes a support arrangement (#34, 36, 40, 44, 46) that is engageable with an edge of the opening to limit the insertion of the fitting in the opening (column 2, lines 17-22; best seen in figure 1), the fitting being fastened to the front wall via the

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support arrangement and the fitting including a pedal (#22). The support arrangement comprises a mounting flange (#38, 46), which serves to reinforce the wall area around the opening. The opening has the same configuration as a portion of the fitting that is insertable into the opening (best seen in figure 1). It would have been obvious to one skilled in the art at the time that the invention was made to modify the support box of Moore et al. such that it comprised an opening and a fitting as claimed in view of the teachings of Tetens so as to improve the seal around a pedal in an automotive vehicle and prevent air or dust particles from passing into the vehicle (Tetens: column 1, lines 1-6; column 3, lines 18-20).

Allowable Subject Matter

13. Claims 27, 31, 32, 34-37, and 51-56 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. Claims 41, 44-47, and 60 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

15. The following is a statement of reasons for the indication of allowable subject matter:

the allowable subject matter in claim 27 is the fitting projecting into a space between the outer vehicle plating unit and the wall with the fitting;

the allowable subject matter in claims 31 and 51 is the support arrangement being fastened to the wall with an adhesive bond;

the allowable subject matter in claims 32 and 52 is the configuration of the ring flange, the wall, and the other parts of the fitting;

the allowable subject matter in claims 34, 44, and 53 is the fitting being a steering console;

the allowable subject matter in claims 35, 45, and 54 is the fitting being a housing for electrical components;

the allowable subject matter in claims 37, 47, and 56 is the fitting being an insertion module for a windshield wiper assembly;

the allowable subject matter in claims 41 and 60 is components being connected via electrical lines held in hollow channels in a panel on which the vehicle device is attached.

Response to Arguments

16. Applicant's arguments with respect to claims 26-61 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gorla and Emmons disclose vehicle frames with support boxes.

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B Rosenberg whose telephone number is (703) 305-3135. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Laura B. Rosenly

LBR

Paul N. Dickson 2/9/04
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